

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CECIL ROBY,

Plaintiff,

v.

CITY OF SPOKANE, WASHINGTON,  
DANIEL WATERS, JOHN GATELY, and  
DANIEL WILSON

Defendants.

NO. CV-08 -139-JLQ

**ORDER ON HEARING**

On July 17, 2009, the court heard oral argument on the City Defendants' Motions for Summary Judgment (Ct. Rec. 33) and Sanctions (Ct. Rec. 42). Richard Wall appeared on behalf of the Plaintiff. Ellen O'Hara appeared on behalf of the City Defendants and Timothy Cronin appeared on behalf of Defendant Wilson. This order is intended to memorialize and supplement the oral rulings of the court. Accordingly,

**IT IS HEREBY ORDERED:**

1. Ruling on the City Defendants' Motion for Summary Judgment (Ct. Rec. 33) is **RESERVED**.

2. The City Defendants' Motion for Sanctions (Ct. Rec. 42) is **DENIED**, the court finding no basis therefore in the Plaintiff's conduct, filings, or allegations regarding a *de facto* policy of favoritism between Spokane Policemen and Firefighters.

3. All dates in the court's Scheduling Order (Ct. Rec. 7) remain in full effect. The Clerk is hereby directed to enter this Order and furnish copies to counsel.

**DATED** this 20th day of July, 2009.

s/ Justin L. Quackenbush  
JUSTIN L. QUACKENBUSH  
SENIOR UNITED STATES DISTRICT JUDGE